

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

FIVE STAR WAREHOUSE LLC,

Defendant.

DECISION AND ORDER

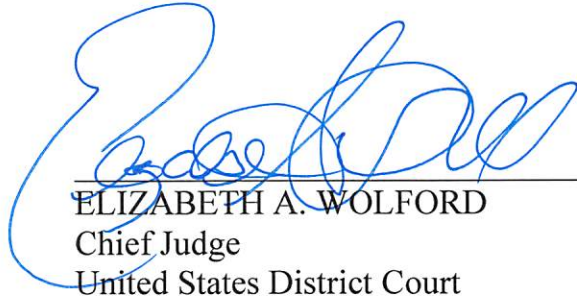
6:24-CR-06033 EAW

On June 25, 2024, the above-referenced matter was transferred by the Honorable David G. Larimer, United States District Judge, to the undersigned. (Dkt. 10). Prior to that transfer, Judge Larimer referred to the Honorable Marian W. Payson, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b), the taking of a plea under Fed. R. Crim. P. 11. (Dkt. 1). The defendant, Five Star Warehouse LLC (“Defendant”), consented to the proceeding being before the Magistrate Judge. (*Id.*).

On February 29, 2024, Defendant appeared before the Magistrate Judge and entered a plea of guilty to the Information—specifically a violation of Title 18, United States Code, Section 1349 (conspiracy to commit mail fraud). Magistrate Judge Payson made an oral Report and Recommendation immediately after the plea proceeding (Dkt. 8 at 31), and filed a written Report and Recommendation (Dkt. 5) confirming that Defendant’s entry of a plea of guilty met the requirements of Fed. R. Crim. P. 11, and recommending that the District Court accept the guilty plea. No objections to the Report and Recommendation were timely filed, and no extension of time to file objections was sought.

Pursuant to 28 U.S.C. § 636(b), Magistrate Judge Payson's Report and Recommendation (Dkt. 5) is adopted in its entirety, and the Court hereby accepts Defendant's plea of guilty, and Defendant is hereby adjudged guilty of violating Title 18, United States Code, Section 1349, as alleged in the Information. Consistent with the schedule previously set by Judge Larimer, sentencing remains set for December 4, 2024, at 2:00 p.m. before the undersigned.

SO ORDERED.



ELIZABETH A. WOLFORD
Chief Judge
United States District Court

Dated: June 26, 2024
Rochester, New York